

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PHARMERICA LONG-TERM CARE, INC.
f/k/a PHARMERICA, INC.,
a Delaware Corporation,

Plaintiff,

v.

No. CIV 08-975 JB/RHS

WILLIAM KRYSTOPOWICZ,
an individual,

Defendant.

SCHEDULING ORDER

In accordance with the Civil Justice Expense and Delay Reduction Plan adopted in compliance with the Civil Justice Reform Act, and pursuant to Title 28 U.S.C. § 473(a)(1), this case is assigned to a “**standard**” track classification. Accordingly, the termination date for discovery **July 29, 2009**, and discovery shall not be reopened, nor shall case management deadlines be modified, except by an order of the Court upon a showing of good cause. This deadline shall be construed to require that discovery be completed on or before the above date. Service of interrogatories or requests for production shall be considered timely only if the responses are due prior to the deadline. A notice to take deposition shall be considered timely only if the deposition takes place prior to the deadline. The pendency of dispositive motions shall not stay discovery.

Discovery on personal and subject matter jurisdiction shall be completed by May 29, 2009.

Motions relating to discovery (including, but not limited to, motions to compel and motions for protective order) shall be filed with the Court and served on opposing parties by **August 18**,

2009. See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. This deadline shall not be construed to extend the twenty-day time limit in D.N.M.LR-Civ. 26.6.

Plaintiff shall identify to all parties in writing any expert witness to be used by Plaintiff at trial and to provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **May 29, 2009.** All other parties shall identify in writing any expert witness to be used by such parties at trial and to provide expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **June 29, 2009.**

The parties shall have their experts ready to be deposed at the time they identify them and produce their reports.

Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing party by **August 28, 2009.** See D.N.M.LR-Civ. 7 for motion practice requirements and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

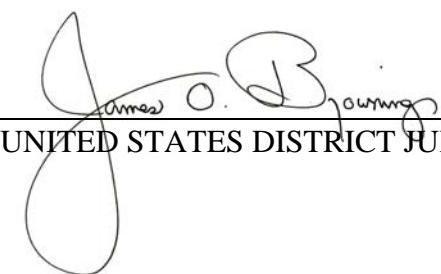
Counsel are directed to file a consolidated final Pretrial Order as follows: Plaintiff to Defendant on or before **October 15, 2009;** Defendant to Court on or before **October 22, 2009.** Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than thirty (30) days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for cause shown.

A motion hearing is scheduled in this matter on **October 6, 2009 at 9:00 a.m.**

This matter is set for a Pretrial Conference on **October 23, 2009 at 1:30 p.m.**

This matter is set for a **Jury Selection/Jury Trial** on a trailing calendar beginning on **November 16, 2009 at 9:00 a.m. (Albuquerque/Vermejo Courtroom)**.

IT IS SO ORDERED this 19th day of March, 2009.



UNITED STATES DISTRICT JUDGE